

Sixth Appellate District

San Jose, California

MONDAY, JULY 1, 2002

H023345 PEOPLE v. SUPERIOR COURT; RAMIREZ

Let a peremptory writ of mandate issue directing respondent court to vacate its order granting defendant's Penal Code section 995 motion and dismissing counts one, two and four of the information, and to enter a new order denying the motion. The temporary stay order is vacated. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed July 1, 2002

H023731 PEOPLE v. RIVERA

The order of the court is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 1, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Wunderlich, J.; and R. W. Norvelle, Deputy Clerk.

H023249 DFCS v. KELLEY M.

Cause called and argued by Frank E. Dougherty appearing for Appellant and by Teri L. Robinson, Deputy County Counsel, appearing for Respondent and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H022609 DFCS v. KELLEY M.

Cause called and argued Frank E. Dougherty appearing for Appellant and by Teri L. Robinson, Deputy County Counsel, appearing for Respondent and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted. Court adjourns.

H022802 PEOPLE v. MARTINEZ

The judgment is modified to reflect 201 additional days of presentence custody credit. The trial court is ordered to amend the abstract of judgment and send a copy of the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed July 1, 2002

Sixth Appellate District

San Jose, California

Monday, July 1, 2002 (continued)

H021235 PEOPLE v. KEYES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; I concur: Mihara, J.;
dissenting opinion by Rushing, J.)
Filed July 1, 2002

H023454 PEOPLE v. PHILLIP C., a minor

The dispositional order is modified to provide that the
maximum term of minor's commitment to CYA is seven years, eight
months. As so modified the order is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,
J.)
Filed July 1, 2002

H021157 VARR v. OLIMPIA, et al.

The judgment is affirmed, and the judgment is ordered
modified to clarify that the liable "defendant" is the plan, not
Gary L. Olimpia, individually, or the law firm of Olimpia, Whelan
& Lively. Each side to bear its own costs on appeal. (not
published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Rushing, J.)
Filed July 1, 2002

H023616 PEOPLE v. BANES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,
J.)
Filed July 1, 2002

H022000 PEOPLE v. GARCIA, et al.

The judgments against codefendants Juan Sandoval Valles,
Jose Ramon Garcia, and Apolinar Morales Garcia are reversed.
Each defendant was erroneously given more than one life
enhancement under section 667.61. The case is remanded for
resentencing.
(Bamattre-Manoukian, Acting P.J.; I concur: Mihara, J.;
Dissenting opinion by Rushing, J.)
Filed July 1, 2002

Sixth Appellate District

San Jose, California

TUESDAY, JULY 2, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and S. Nasson, Deputy Clerk.

H023226 PEOPLE v. FRANCISCO G.

Cause called and argued by Daniel Byrne appearing for Appellant and by Claire Ebey, Certified Law Student, appearing for Respondent. Cause ordered submitted.

H021856 PEOPLE v. GOLF

Cause called and argued by Juliet Haley, Deputy Attorney General, appearing for Appellant the People and by Dennis Riordan appearing for Appellant Golf. Cause ordered submitted.

H022518 CLICKARD v. CLICKARD; JONES, et al.

Cause called and argued by Anthony Davi appearing for Appellant, by Billie French appearing for Respondent Clickard, and by George McInnis appearing for Respondent Jones, et al. Cause ordered submitted. Bamattre-Manoukian, Acting P.J. leaves the bench. Premo, Acting P.J. takes the bench.

H023043 HENDERSON v. UNIVERSITY OF CALIFORNIA, et al.

Cause called and argued by Chandra Henderson appearing in Propria Persona and by Dennis Howell appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

H021189 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 2, 2002

H022376 PEOPLE v. HERNANDEZ, JR.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)
Filed July 2, 2002

Sixth Appellate District

San Jose, California

Tuesday, July 2, 2002 (continued)

H023755 IN RE BRADLEY W., A MINOR

The judgment of wardship is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed July 2, 2002

H022334 PEOPLE v. VU

By the Court*:

Respondent's petition for rehearing is denied.
Filed: July 2, 2002
*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H023361 DFCS v. ANGELA M.

The disposition orders of the juvenile court ordering out-of-home placement of the three children are reversed and the matter is remanded to the juvenile court with directions that the Department provide the pertinent tribe[s] with proper notice under the ICWA of the pending proceedings, and that the Department file proof of receipt of such notice by such tribe[s], along with a copy of the notice. If, after notice is properly given, no tribe responds indicating that the children are Indian children within the meaning of the ICWA, the juvenile court shall then reinstate the dispositional orders. If the tribe determines that the children are Indian children, the juvenile court shall conduct the disposition hearing applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed July 2, 2002

H022739 PEOPLE v. ZUNIGA, JR.

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 2, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Bamattre-Manoukian, Acting P.J.; Premo, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, July 2, 2002 (continued)

H022065 BYNOE v. CITY OF SAN JOSE

Cause called and argued by Allen Ruby appearing for Appellant and by George Rios appearing for Respondents. Cause ordered submitted. Premo, J. leaves the bench. Rushing, J. takes the bench.

H022705 MARTIN v. MARTIN

Cause called and argued by Hugh Thomson appearing for Appellant and by Alfred S. Wright appearing for Respondent. Cause ordered submitted.

H021990 PEOPLE v. DANCY

Cause called and argued by Janice Brickley appearing for Appellant and by Ryan McCarroll, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022587 PEOPLE v. FISHER

Cause called and argued by William Robinson appearing for Appellant and by Michele J. Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022261 PEOPLE v. GIPSON

The judgment is modified to reflect that the two 25 year-to-life terms must be served consecutively rather than concurrently. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J., dissenting opinion by Rushing, J.)
Filed July 2, 2002

H021902 PEOPLE v. HAWKINS

(Filed order modifying opinion.) Appellant's petition for rehearing is denied. This modification does not effect a change in the judgment. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed July 2, 2002

Sixth Appellate District

San Jose, California

Tuesday, July 2, 2002 (continued)

H021983 PEOPLE v. MCNEES

By the Court*:

The petition for rehearing is denied.

Filed: July 2, 2002

*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

H022665 HOWARD JARVIS TAXPAYERS ASSN. v. CITY OF SALINAS, et al.

By the Court*

The petition for rehearing is denied.

Filed: July 2, 2002

*Before Premo, Acting P.J., Elia, J., and Mihara, J.

WEDNESDAY, JULY 3, 2002

H022256 PEOPLE v. STAUNTON

By the Court*:

Appellant's petition for rehearing is denied.

Filed: July 3, 2002

*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

H021862 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 3, 2002

H023328 PEOPLE v. GUERRERO

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 3, 2002

H023225 PEOPLE v. PHILLIP C., a minor

The jurisdictional/dispositional order is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 3, 2002

H023976 PEOPLE v. MATTHEW G., a minor

The order appealed from is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 3, 2002

Sixth Appellate District

San Jose, California

Wednesday, July 3, 2002 (continued)

H022895 COUNTY OF SANTA CLARA v. GOURLEY; BRUTON

The challenged orders denying the motion to vacate and
awarding attorney fees are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,
J.)

Filed July 3, 2002

FRIDAY, JULY 05, 2002

H022624 PEOPLE v. RAMOS

The appeal is dismissed. (not published)
(Rushing, J.; I concur: Mihara, J.; Concurring opinion by
Bamattre-Manoukian, Acting P.J.)

Filed July 5, 2002